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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FAUSTO PINA,

Defendant.

CASE NO. 1:21-CR-00070-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

CURRENT DATE: November 9, 2022
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and FAUSTO PINA, by and through defendant's counsel of record, Meghan McLoughlin, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 9, 2022.
2. By this stipulation, defendant now moves to continue the status conference until January 25, 2023, and to exclude time between November 9, 2022, and January 25, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery in this matter has been provided to counsel. The government is aware of its ongoing discovery obligations.

1 b) The parties are in ongoing plea negotiations and anticipate that this matter will
2 resolve with a plea.

3 c) If this matter does not resolve with a plea, the parties will be prepared to select a
4 trial date at the next status conference date.

5 d) Counsel for the defendant desires additional time to consult with her client, to
6 review the current charges, to conduct investigation and research related to the charges, to review
7 and/or copy discovery for this matter, to discuss potential resolutions with her client, to prepare
8 pretrial motions, and to otherwise prepare for trial.

9 e) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny them the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 f) The government does not object to the continuance.

13 g) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of November 9, 2022 to January 25,
18 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4], because it results from a continuance granted by the Court at defendant's request on the
20 basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

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1 must commence.

2 IT IS SO STIPULATED.

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4 Dated: November 1, 2022

PHILLIP A. TALBERT
United States Attorney

5 /s/ JESSICA A. MASSEY
6 JESSICA A. MASSEY
Assistant United States Attorney

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8 Dated: November 1, 2022

/s/ MEGHAN MCLOUGHLIN
9 MEGHAN MCLOUGHLIN
Counsel for Defendant
10 FAUSTO PINA

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12 **ORDER**

13 IT IS SO ORDERED that the status conference is continued from November 9, 2022, to **January**
14 **25, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to
15 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court intends to set a trial date at the next status conference. If the
16 parties do not resolve the case in advance of the next status conference, they shall be prepared to set a trial
17 date at the status conference hearing.

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19 IT IS SO ORDERED.

20 Dated: November 1, 2022

/s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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